



MEMO

Date: November 17, 2021
To: Zach Sullivan, Chair, East Montpelier Planning Commission
From: Clare Rock, Senior Planner
Re: Draft town plan language

I reviewed the documents you sent on Wednesday October 6, 2021. And understand the primary purpose was to insert language to provide clear community standards for the siting of telecommunication towers. The proposed new language on this topic does make sense.

The town plan recognizes that the plan will have deference in the Section 248a proceedings. However as the town plan doesn't include the requirements for an enhanced energy plan it will only receive due consideration in the Section 248 proceedings. Since the planning commission is opening up the plan to include the new telecommunication language, has the PC considered including the enhanced energy plan at the same time? This way the towns standing would be consistent across the Section 248 proceedings and further strengthen the town's position on solar siting.

Below I have included some comments on how development (and specifically solar) is to be treated in the scenic view sheds. More specifically I'd recommend clarifying /reconciling the requirements between small development vs large development in the scenic view sheds.

Chapter 6 includes the following statements which make the distinction between small and large scale development:

- Page 86, Lines 17-19 state:
 - *Siting considerations are generally not intended to constrain smaller net-metering projects (in the range of 10-50 kW) that serve to reduce the net electrical consumption of residences, businesses, or small groups of residences abutting the photovoltaic array.*
- Page 86, Lines 37-40 state:
 - *While more stringent siting guidelines apply to large-scale projects that are intended to feed power into the regional grid independent of local needs, the town recognizes that solar development may not be restricted differently than other types of development. Siting regulations for solar PV arrays must not be inconsistent with town zoning laws or siting requirements in existing statutes.*
- Page 87 indicates:
 - *Large-scale solar arrays (up to 500 kW)*

- Page 90 includes the following:
 - **Identified Scenic Views:** *Roadside areas with significant scenic views are identified in the Town Plan and shown on Map 12. No solar project shall be visible within the foreground (one- half mile) of any viewing area.*

However Chapter 9 includes the following paragraph which isn't as clear about what is allowed or prohibited:

- Chapter 9 Page 125 bottom of page states:
 - *Development is not prohibited within these scenic areas; however, careful siting, design, and in some cases screening shall be required in order to protect the identified characteristics of these views. Foreground areas (within ½ mile) are particularly sensitive to visual impacts. **Their proximity means that people see far more detail than in more distant areas.** Larger solar projects designed to serve more than the needs of individual residences, commercial or institutional needs (villages), an individual farm or a small group of residences shall not be permitted in these viewsheds. Screening and careful siting of **new development and facilities, including solar projects and communications towers,** will be critical to protect resource values.*

The paragraph starts by stating development isn't prohibited, but then goes on to say 'Larger solar projects ... shall not be permitted in these viewsheds.'

Recommend clarifying what is allowed with screening, and what is prohibited. I.e. are small projects allowed if they are screened? And larger projects/development prohibited regardless of being able to be screened?

This paragraph defines what is considered large ("Larger solar projects designed to serve more than the needs of individual residences, commercial or institutional needs (villages), an individual farm or a small group of residences..." But Chapter 6 indicates this might actually be considered small, as it states "Siting considerations are generally not intended to constrain smaller net-metering projects (in the range of 10-50 kW) that serve to reduce the net electrical consumption of residences, businesses, or small groups of residences abutting the photovoltaic array."

Recommend using the small and large definitions from Chapter 6 in Chapter 9.

Small= *smaller net-metering projects (in the range of 10-50 k)*

Large= *large-scale projects that are intended to feed power into the regional grid independent of local needs (over 50 and up to 500kW)*

Proposed revision to paragraph:

*Careful siting, design, and in some cases screening shall be required in order to protect the identified characteristics of these scenic views. Foreground areas (within ½ mile) are particularly sensitive to visual impacts. **Their proximity means that people see far more detail than in more distant areas.** Larger development including solar projects greater than and 50kW and that*

are intended to feed power into the regional grid independent of local needs shall not be permitted in these viewsheds. Screening and careful siting of new development and facilities, including solar projects and communications towers, will be critical to protect resource values. (For additional siting criteria see Chapter 6.)

I have not checked your zoning regulations but you can specify what size of development would be allowed in these view sheds. Alternatively if the zoning and the town plan intent is to not prohibit development in these areas and instead require screening of development which is over a certain size then this sentiment should be reflected in the town plan language, specifically within Chapter 9 Page 125, paragraph at bottom of page.